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Board of Building Regulations and Standards (BBRS)

CANNABIS STUDY GROUP MEETING

January 22, 2019 Meeting Minutes
Division of Professional Licensure (DPL) Office
1000 Washington Street – Boston, MA 02118

Roll Call:

Adelle Reynolds
Harold Leaming
Jen Hoyt

☐ present ☐ absent
☐ present ☐ absent
☐ present ☐ absent

Duncan Cameron ☐ present ☐ absent
Brad Mitchell ☐ present ☐ absent

General notes on format of these minutes

- *These minutes represent general points discussed during the meeting. The minutes are not intended to be a verbatim account of discussions.*
- *Agenda topics as numbered may be in the same order as they appear on the meeting agenda.*
- *The meeting agenda is listed as **EXHIBIT A**; others are listed sequentially as addresses during the meeting.*

1. **Introductions.** Rob Anderson introduced himself as the Chief of Inspections for the Office of Public Safety and Inspections' (OPSI) Building and Engineering Divisions and identified that he has been designated to assist with issues relating to the study group, but is not a member. The make-up of the committee was established by members of the Board of Building Regulations and Standards (BBRS) to include building and fire official representatives, a cannabis grow facility representative and a farm service representative.

- Adelle Reynolds and Harold Leaming identified that they are OPSI building inspectors and have been authorized to serve on the study group;
- Jen Hoyt introduced herself as the fire service representative;
- Duncan Cameron introduced himself as the Chief Production Officer for Good Chemistry, representing Cannabis Growing & Production Representative; and
- Brad Mitchell introduced himself as the Deputy Executive Director of the Massachusetts Farm Bureau Federation, representing farm services.



Rob Anderson identified that several other individuals were in attendance as identified on the sign-in sheet, including Attorney Kay Doyle, Commissioner Britte McBride, and Director of Constituent Services, Matt Giancola, from the Massachusetts Cannabis Control Commission, among others.

2. **Overview:** **Issues relating to cannabis growth and production.**

Attorney Doyle reviewed a *PowerPoint Presentation* titled *BBRS Study Group (EXHIBIT B)* that provided information relating to:

- Cultivation;
- Craft Cooperatives;
- Micro Businesses;
- Product Manufacturing;
- Independent Testing Labs;
- Research;
- Transportation;
- Retail;
- Delivery; and
- Social Consumption.

On a question from Adelle Reynolds, Attorney Doyle indicated that a up to 3 licenses are allowed per licensee, but the total canopy authorized by the licenses may not exceed 100,000 square feet.

On a question from Jen Hoyt, Attorney Doyle noted that once you change a product to something else, it is considered to be manufacturing. Commissioner McBride read the definition of manufacturing from 935 CMR, the Cannabis Regulations. Harold Leaming suggested that we may need to request that the BBRS issue a formal interpretation of what is considered to be manufacturing in accordance with 780 CMR, the State Building Code.

Attorney Doyle indicated that she would forward the Cannabis regulations to Rob Anderson for distribution to members.

Commissioner McBride reviewed security requirements outlined in the *PowerPoint* in detail, emphasizing that security measures must be taken by licensees to protect the premise, employees, consumers and general public.

Audience member and Commercial Programs Manager for the Division of Energy Resources (DOER), Alex Pollard, explained that DOER is concerned about cannabis grow facilities due to intense energy use which is akin to high-tech usage indicating that about 4% of Denver electrical use (*where cannabis use is legal*) is dedicated to lighting, cooling and dehumidification needs of grow facilities.

In response to questions from study group members, Attorney Doyle explained that cannabis grow and manufacturing facilities are sited and approved locally only:

- in areas that are zoned for such use;
- where community outreach programs have reveal facility plans;
- where appropriate Cannabis Control licenses have been approved and issued; and
- where appropriate building and associated permits have been secured and a certificate of occupancy (CO) has been issued.

Attorney Doyle explained that there is direct and frequent communication with municipal authorities and the Cannabis Commission controls issuance of final license when all aspects of the process are satisfied.

Adelle Reynolds and Jen Hoyt suggested that a guidance document may be necessary to ensure that all municipal and state authorities are cognizant of the process.

3. **Discuss:** General goals and objectives of the study group.

Rob Anderson explained that the main goal of the group is to review an action taken by members of the BBRS during their June 13, 2017 meeting whereby a cannabis grow facility was similar in use to any other grow facility, whether roses, tomatoes, or some other plant, and should be considered a greenhouse, utility use or purposes of design, construction and/or renovation purposes under 780 CMR. The vote was not unanimous, with several consenting opinions and concerns, most particularly from a fire safety perspective. Resultantly, BBRS members authorized formation of this study group to review this action and other issues of concern relating to building and fire code issues. Rob provided copies of the June 13, 2017 minutes for review by study group members (**Exhibit C**).

4. **Discuss:** Use Group Classification for Cannabis Grow Facilities – according to 780 CMR.

Brad Mitchell questioned requirements for plastic covered green houses and Jen Hoyt suggested once again that a guidance document may need to be issued to make code requirements and related procedures crystal clear for all parties involved and, perhaps, there should be consideration of a special use group category defined in 780 CMR.

On a question from Harold Leaming, Duncan Cameron explained that Colorado uses the International Codes published by the International Code Council (ICC) and most facilities are classified as factory (F-1) uses under the Colorado building code.

5. **Elect:** Chair and Vice Chair.

On a **MOTION** by Harold Leaming, seconded by Jen Hoyt, it was unanimously voted to appoint Adelle Reynolds to serve as the Study Group chair.

On a **MOTION** by Brad Mitchell, seconded by Harold Leaming, it was unanimously voted to appoint Duncan Cameron to serve vice-chair.

6. **Discuss:** General building code issues related to the cannabis industry.

Some other considerations raised by members to be wary of as discussions progress include:

- General fire-fighting safety;

- CO₂ enrichment issues;
 - General energy use and lighting requirements; and
 - Clear guidance to all involved in the process.
7. It was agreed that the next meeting would take place on February 28th @ 249 Lakeside Avenue in Marlborough @ 10 a.m. (*The meeting needed to be rescheduled to March 4th @ 10 a.m., same location, due to some scheduling conflicts.*)

Also Study Group members agreed that they would like to schedule a facility tour in the near future, perhaps Nourse Farm in Hadley.

8. **Approve:** *Adjourning the meeting.*
On a MOTION by Jen Hoyt, seconded by Harold Leaming, it was unanimously voted to adjourn the meeting @ approximately 12:03 p.m.

Exhibits

- A. Meeting agenda.
- B. *PowerPoint Presentation* titled *BBRS Study Group*.
- C. June 13, 2017 BBRS Meeting Minutes.